

1 **Marquis Aurbach**
2 Nick D. Crosby, Esq.
3 Nevada Bar No. 8996
4 Lance C. Earl, Esq.
5 Nevada Bar No. 2695
6 W. Reese Levins, Esq.
7 Nevada Bar No. 15951
8 10001 Park Run Drive
9 Las Vegas, Nevada 89145
10 Telephone: (702) 382-0711
11 Facsimile: (702) 382-5816
12 ncrosby@maclaw.com
13 learl@maclaw.com
14 rlevins@maclaw.com
15 Attorneys for Plaintiff

16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 THE PULIZ COMPANIES, INC., a Nevada
19 corporation,

20 Plaintiff

vs.

21 RENEWABLE ENERGY PARK LLC, a
22 Wyoming limited liability company, REP
23 NOTE HOLDERS LLC, a Wyoming limited
24 liability company, TERRASCALE INC., a
25 Delaware corporation, STEPHEN HOSHIMI,
an individual, KEVIN ANNIS, an individual,
KAYA STANLEY, an individual.

26 Defendants

27 Case No.: 2:23-cv-00428-CDS-BNW

28 **STIPULATION AND ORDER TO**
DISMISS WITHOUT PREJUDICE
PURSUANT TO FED.R.CIV.PRO.
41(a)(1)(A)(ii) DEFENDANTS,
RENEWABLE ENERGY PARK LLC,
REP NOTE HOLDERS LLC, STEPHEN
HOSHIMI, KEVIN ANNIS AND KAYA
STANLEY;
DISMISSAL WITHOUT PREJUDICE
PURSUANT TO FED.R.CIV.PRO.
41(a)(1)(A)(ii) DEFENDANT
TERRASCALE, INC.

29 Pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii), Plaintiff, THE PULIZ COMPANIES,
30 INC. (“Puliz”), and Defendants, KEVIN ANNIS and KAYA STANLEY (collectively, the
31 “Annis/Stanley Parties”), RENEWABLE ENERGY PARK LLC, a Wyoming limited
32 liability company, REP NOTE HOLDERS LLC, a Wyoming limited liability company, and
33 STEPHEN HOSHIMI, (collectively, the “Hoshimi Parties”) by and through their respective
34 attorneys of record, hereby stipulate and agree to dismiss without prejudice all claims for
35

1 relief asserted by the Complaint filed by Puliz on March 22, 2023 (ECF No. 1) against the
2 Annis/Stanley Parties and the Hoshimi Parties.

3 Pursuant to Fed.R.Civ.Pro. 41(a)(1)(A)(i), Puliz also dismisses without prejudice,
4 Defendant, Terrascale, Inc., a Delaware corporation (“Terrascale”), the remaining defendant
5 named in the Complaint. Dismissal without prejudice under Fed.R.Civ.Pro. 41(a)(1)(A)(i)
6 with respect to Terrascale is appropriate because Terrascale has not appeared in this action
7 or filed an answer, motion for summary judgment, or other responsive pleading in this
8 action.

9 Dismissal without prejudice of the Annis/Stanley Parties and Hoshimi Parties is
10 made pursuant to Fed.R.Civ.Pro. 41(a)(1)(A)(ii) based upon the following:

11 1. On March 22, 2023, Puliz filed its Complaint in this action (ECF No. 1).

12 2. On May 16, 2023, the Hoshimi Parties filed an Answer to the Complaint
13 (ECF No. 15).

14 3. On June 7, 2023, the Annis/Stanley Parties filed a Motion to Dismiss
15 Plaintiff’s Federal Claims (Brought Under Sections 12(A)(1) and 12(A)(2) of the Securities
16 Act of 1933) (the “Motion to Dismiss”) (ECF No. 21).

17 4. On June 14, 2023, the Hoshimi Parties filed a Joinder to the Motion to
18 Dismiss (ECF No. 22).

19 5. Upon entry of this Stipulation and Order, the Motion to Dismiss and Joinder
20 will be vacated.

21 IT IS FURTHER STIPULATED AND AGREED that Puliz, the Annis/Stanley
22 Parties, and the Hoshimi Parties will bear their own costs and attorneys’ fees incurred in
23 relation to the proceedings before this Court.

24 IT IS FURTHER STIPULATED AND AGREED that Puliz, the Annis/Stanley
25 Parties, and the Hoshimi Parties reserve all rights against all other parties with regard to any
26 claims dismissed herein.

1 Respectfully submitted this 20th day of July, 2023.

2 MARQUIS AURBACH

HUMPHREY O'ROURKE PLLC

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4 By: /s/Lance C. Earl, Esq.
Lance C. Earl, Esq.
5 Nevada Bar No. 2695
10001 Park Run Drive
6 Las Vegas, Nevada 89145
7 Attorneys for Plaintiff The Puliz
Companies

By: /s/ L. Edward Humphrey, Esq.
L. Edward Humphrey, Esq. NSB 9066
Patrick O'Rourke, Esq. NSB 13557
201 W. Liberty Street, Ste 350
Reno, Nevada 89501
Attorneys for Defendants Kevin Annis
and Kaya Stanley

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11 DAVID J. WINTERTON & ASSOCIATES,
LTD.

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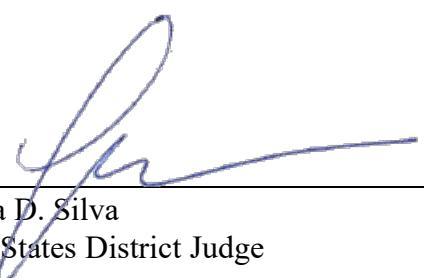
13 By: /s/ David Winterton, Esq.
David J. Winterton, Esq.
14 Nevada Bar No. 4142
15 7881 W. Charleston Blvd. Suite 220
16 Las Vegas, Nevada 89117
17 Attorneys for Defendant Stephen
Hoshimi

18 **ORDER**

19 In accordance with the parties' joint stipulation, IT IS THEREFORE ORDERED that all
defendants are dismissed from this case, and the stipulation to dismiss is GRANTED. The
20 pending motion to dismiss (ECF No. 21) is DENIED as moot. The Clerk of Court is
directed to CLOSE THIS CASE.

21

22 **IT IS SO ORDERED.**

23 
24 Cristina D. Silva
25 United States District Judge

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28 DATED: July 21, 2023